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To: yose\_planning@nps.gov  
cc:  
Subject: Draft Revised Merced River Plan/SEIS

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pg 1 of 9

RECEIVED

MAR 23 2005

YOSEMITE NATIONAL PARK

Sierra Club c/o:  
P. O. Box 5572  
Fresno, CA 93755

22 March 2005

Superintendent, Yosemite National Park  
Draft Revised Merced River Plan/SEIS  
P.O. Box 577  
Yosemite, CA 95389

Fax: 209/379-1294

This is being emailed to: yose\_planning@nps.gov

Sir:

## I. INTRODUCTION

The following comments are submitted on behalf of the Sierra Club. Thank you for this opportunity to make suggestions which hopefully will be of use to you in your efforts to protect the visitor experience and the natural resources of Yosemite National Park (YNP).

We are commenting on the Draft Revised Merced River Plan/SEIS, and will refer to it as the DRMRP, the Plan, or the document. In the following comments we will refer to "NPS staff" without distinguishing between National Park Service (NPS) and consultant, since the consultant staff were speaking on behalf of the NPS.

## II. INCOMPREHENSIBILITY

The DRMRP is a mass of contradictions, illogical statements, confusing and inconsistent jargon, and so-called "information" presented in such a way as to defy analysis. The document is internally inconsistent, rendering meaningless any attempt to comment on content.

As you know, I personally drove hundreds of miles attending seven of the eleven public meetings which you held throughout the state. At four hours each, that means almost 28 hours at the hearings, much of it in intense discussions with your staff, attempting to understand the DRMRP. That is in addition to many hours spent attempting to read the Plan, receiving reports from others who attended some of the hearings which I missed, and discussing the Plan.

Because of the very substantial public expense in producing this Plan, and because of the huge effort we have made to understand the Plan, we find it especially distressing to conclude that it is incomprehensible. But, in listening to and talking with other members of the public, we find almost universal frustration over the fact that the Plan is unintelligible.

We have also learned that, in a sister government agency, staff

responsible for commenting on Environmental Impact Statements (EIS's) have stated that the DRMRP is a "convoluted mess" and have raised the rhetorical question, "How are we supposed to comment on it?" These are people who comment on EIS's as part of their livelihood.

Even some NPS staff have commented on the difficulty of explaining the Plan to the public. Staff have also indicated that they were aware, even before the Plan went to the printer, that there would be problems.

### III. DISCLAIMER

Because the DRMRP is essentially incomprehensible, it is possible that some of our following comments are based on misunderstanding. We think not, but the possibility is there.

### IV. FAILURE TO DISCLOSE

All of the above leads to one inescapable conclusion: The DRMRP fails to meet the most basic requirement of the National Environmental Policy Act (NEPA), which is that you disclose to the public what it is that you propose to do.

It is possible that your intended actions are buried somewhere in the document, but because it is presented in an unintelligible manner, they have not been disclosed.

And because you have failed to disclose the actions, it is not possible for the public to make any sense out of discussions of possible environmental impacts. This is a huge violation of NEPA.

### V. COMPARISON OF ALTERNATIVES

When we first obtained the DRMRP, we turned to the Comparison of Alternatives (Table II-14, pages II-78 and 79). With most EIS's, the Comparison of Alternatives provides a good overview of the document, and offers clues for where to turn in the overall document in order to pursue specific areas of concern. But with Table II-14 in the DRMRP we drew a complete blank, and could make no sense of it. We found Table II-14 to be utterly confusing.

Later, in discussions with NPS staff, we were told that each of the action alternatives was constructed in a way that is so totally different from the other alternatives that any attempt to compare them would be futile. They were not intended to be comparable.

But, rather than saying this, the DRMRP has provided the public with Table II-14, thereby creating great confusion and frustration among those who are trying to understand the Plan/SEIS.

This is but one illustration of our statement that the Plan is incomprehensible, and therefore not compliant with NEPA.

### VI. LACK OF FEASIBLE ALTERNATIVES

NEPA requires that a range of feasible alternatives be presented. In the present process, Alternative 1 is not feasible because of the court mandates. But Alternatives 3 and 4 also appear to be infeasible because of the excessive levels of staffing (funding) required to implement them.

So there is a still further violation of NEPA.

## VII. INFEASIBILITY OF PREFERRED ALTERNATIVE

The preferred Alternative 2 also appears to be infeasible in that VERP, if it is to be done in a meaningful way, would require large amounts of funding in perpetuity. And that funding is not likely to be available.

Also, Alternative 2 (at least as explained in the Fact Sheets) calls for unlimited access into the Park. It proposes to deal with the ensuing large numbers of vehicles and people by redirecting them away from the areas they had intended to visit, and into other areas of the Park. We question whether this management action would be acceptable to the visitor.

The above are just two reasons why we question the feasibility of the preferred Alternative 2.

## VIII. FACT SHEETS

Following release of the DRMRP to the public, the NPS started publishing a series of Fact Sheets which attempt to explain and elaborate upon the DRMRP.

While perhaps well-intentioned, this has created a very confusing situation.

In the first place, probably very few people have discovered the existence of the Fact Sheets, either on the YNP web site or on a table at a public meeting.

For those who have discovered the Fact Sheets, there is another problem. Is the public supposed to accept the Fact Sheets as being "Addenda" to the Plan? From a legalistic perspective, there would be a problem with this because there has not been adequate notice or distribution of the Fact Sheets.

And what is the public to make of the fact that there may be discrepancies between the Fact Sheets and the DRMRP?

For example one Fact Sheet ("User Capacity and Your Yosemite Experience 02/05") says, "Turning people away from the park at entrance stations---or otherwise closing park entrances---is NOT a part of the preferred alternative....". The same statement appears in other Fact Sheets, and in "Planning Update" (Volume 27, February 2005). But the Management Action Toolbox (Table II-9, page II-52) for the preferred Alternative 2 lists "Limit overall number of users through entrance station quotas" as being one of the actions which might be implemented under the preferred Alternative 2. Entrance station quotas are also mentioned in other places as being possible management actions under Alternative 2.

When we inquired as to the discrepancy, we were told that the Fact Sheet is a "clarification" of the DRMRP. How can there be a "clarification" when the statements are mutually exclusive? It's either one or the other. It certainly cannot be both.

From a legal perspective, the statement in the DRMRP would be determining. That is the statement which is up for public review and comment. Yet the NPS is putting out other statements which lead the public to think that the NPS has no intention of using a quota system, thereby biasing public comment. Those who don't want a quota system will see the statements they want and be lulled into complacency. And yet those who do

wish to see a quota system will see what they are looking for, and be satisfied.

The public comment process on this very important issue has been so severely compromised as to render it null and void.

Whether you call it "user capacity" or "entrance station quota" or "reservation system", it is all getting at what should have been at the very heart of the DRMRP process. It is the one issue which people have been searching for in the document. To the extent that they might have found anything, they have been misled or confused or both.

This part of the process clearly is not compliant with NEPA.

That is unfortunate, because it is at the heart of the Ninth Circuit's direction to address user capacity.

#### IX. VERP INADEQUACIES and NEW CONSTRUCTION:

Only after extensive searching, and finally by discovering references back to Alternative 1, were we able to determine that the preferred Alternative 2 provides for construction of the numerous Valley Plan projects to proceed as soon as a Record of Decision for the DRMRP is signed.

Yet the preferred Alternative 2 relies almost exclusively on the VERP process to determine appropriate levels of use, and indicates that adequate information might not be forthcoming for as much as five years for some Indicators.

When we asked why construction would proceed in the absence of information intended to show whether it would be appropriate, we were told that VERP is intended only to measure human impact. That would include coliform bacteria in the river, degraded meadows, crowds at viewpoints, too many drivers looking for too little parking, and such. It would have nothing to do with determining the appropriateness of offices, lodging, campgrounds, retail outlets, food service, roads, utility lines, or other construction projects.

In other words, we were told there was a complete separation of human impacts from the impacts of the infrastructure which goes along with those humans, and that this DRMRP process addresses only the former.

We do not agree that the only impacts that should be addressed are those caused by the physical presence of human beings. The more people there are, the more infrastructure is required to support their presence. Impacts of infrastructure clearly can affect the Outstandingly Remarkable Values (ORV's) along the Merced River, and should be addressed. It should be an integral part of addressing user capacity.

#### X. NEED FOR A MORATORIUM ON NEW CONSTRUCTION

The preferred Alternative 2 is listed as the "Interim Facility Limits" alternative. This is highly misleading because there is nothing "interim" about it, and the word "limits" is grossly misleading.

There are no limits on new construction, which will proceed apace; and there are no limits on numbers of people, only redirection which will require more infrastructure in new locations. And yet you call this the "Interim Facility Limit" alternative. Being misleading may or may not be a NEPA violation, but the confusion and incomprehensibility which it results

in certainly is a NEPA violation.

At the very least, Alternative 2 should call for a moratorium on new construction pending the outcome of studies which might show whether or not the new construction would be consistent with user capacities determinations which may eventually come out of the VERP process.

Alternative 2 could be considered to be an "interim facility limits" alternative only if it provided for a moratorium. In the absence of a moratorium, the title is misleading, rendering any support for Alternative 2 of questionable value.

#### XI. COURT INJUNCTIONS

In case you do not agree with the above rationale for a moratorium, consider the fact that the courts enjoined most new construction pending the completion of the DRMRP process.

Also, they said that interim protections should be put in place until more permanent methods of protection could be made operational.

If the outcome of this planning process will have no bearing on whether or not the enjoined projects should proceed, then why was the injunction issued in the first place?

Also, why does the NPS intend to proceed with construction even though VERP (or other methods) will not be fully operational?

The courts seem not to agree with your proposed course of action.

#### XII. EXCEEDANCE OF SUPPOSED LODGING LIMITATION

Although it is stated that Alternative 2 would limit overnight lodging units to the number presently in Yosemite Valley (1,262), details buried in obscure locations indicate otherwise.

Appendix D, Table D-2, page D-4, footnote d states that there will be an "18 month transition period between bringing new units on line and closing existing units." So for 18 months there would be 1,262 units plus however many more new ones have been constructed in the absence of a moratorium. We haven't looked up the number, but it would appear to be several hundred.

Again, because the document is internally inconsistent, the relevance of the public comment process has been rendered null and void.

#### XIII. OVERNIGHT ACCOMMODATION INCREASES/CALL FOR LOWER NUMBERS

The Valley Plan called for 961 overnight lodging units. Alternative 2 calls for 1,262. The obscure "footnote d" (above) calls for several hundred more than that.

The Valley Plan called for 500 campsites. Alternative 2 calls for 628.

We find no explanation or justification for this continual upward creep in overnight accommodations. Since the Merced River Plan is foundational to the Valley Plan, these higher numbers in the DRMRP constitute a huge defacto amendment of the Valley Plan.

Such amendment of the Valley Plan clearly should have been subject to

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a major NEPA process, and that is totally lacking.

At the very least, the numbers which appear in the most recently published plan should have been used as targets for the "interim facility limit" preferred Alternative 2. That is 961 for overnight lodging, and 500 for campsites.

While we are not great fans of the Valley Plan, it nevertheless followed a planning process which had more legitimacy than the present process. Not very much, but significantly more than the DRMRP process has.

#### XIV. IMPACT OF REDIRECTING VISITORS

Alternative 2 does not call for an "interim limit" on anything. It provides for full speed ahead on construction projects. And the Fact Sheets say that everyone will be allowed into the Park, but not everyone will be allowed into Yosemite Valley. So, in an attempt to give lip service to protecting the ORV's along the Merced River, it is proposed to degrade the rest of the Park.

Yet there is no discussion of the impacts that spreading visitors around to other areas will have on those areas. There are no developed areas of the Park that are underutilized on peak visitation days. You will either end up creating congestion in new areas, or you will have to create more roads and parking areas in those areas. You have not discussed those impacts, which happens to be a violation of NEPA.

There is also no discussion of the impact on the visitor experience from being directed away from the areas they had intended to visit, and into areas which they might not wish to visit. This will be a huge impact on the quality of the visitor experience. And you have not discussed these impacts, either, which also happens to be a violation of NEPA.

#### XV. FURTHER QUESTIONS ABOUT VERP and MANAGEMENT ACTIONS

It appears that the NPS is relying totally on VERP to satisfy the Ninth Circuit Court's direction to address user capacity. But, as we understand VERP, it is only a process for gathering information and identifying problems. If this information is to be used to address user capacity and thereby protect the ORV's, then it would need to be linked to management actions.

This Plan is woefully inadequate in explaining what kinds of actions are likely to be taken. It presents a lengthy list of possible actions, without indicating which ones are more likely to be used and which ones less likely. In the absence of some sense of prioritization, the public is left without much to comment on.

We find the same problem with the VERP Indicators themselves. They tend to be so general in scope as to be whatever the NPS chooses to make of them. We request that Indicators be made specific enough to be meaningful. Examples follow.

#### XVI. RAFTING

Consider rafting. We have heard a number of comments about the negative impacts of rafting activity. In looking at the indicators, it is not at all clear that any of them will address this. For example, in Table II-8, page II-41, Zone 2A Open Space, an Indicator is "Actual Number of People Recreating Within the River Protection Overlay". It says if the

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Standard is exceeded there might possibly be a restriction of "fishing, picnicking, swimming, etc." Nothing is said about rafting. Even if rafting were listed, there is no clear commitment to a management action which would do something about the problem.

In Table A-1, pages A-2 through A-7, we cannot find rafting listed as an activity for any Management Zone, even though swimming, wading, and fishing are listed.

We request that one Indicator be "Number of Rafts vs. Capacity", because that appears to be the only way to have any assurance that the problem will be addressed.

#### XVII. TRAFFIC CONGESTION

Consider traffic congestion. To a considerable extent this is the issue which has been foremost in much of the planning for Yosemite Valley, including the river corridor. It has been the reason given for closures of the Park and of the east end of Yosemite Valley. It is being used as the primary excuse for relocating Northside Drive around the south side of Yosemite Lodge. Yet there is no Indicator for "Number of Vehicles on Roads vs. Capacity of Roads".

This is not the same issue as "Occupied Parking vs. Capacity". You can and do have parking spaces available when there is congestion on the roads. It happens when everyone tries to leave the Valley at the same time. Parking is available because people are leaving, but the roads are congested. It is two different issues, and you are measuring the wrong one.

We request that one Indicator be "Number of Vehicles on Roads vs. Capacity of Roads".

#### XVIII. NORTHSIDE DRIVE RELOCATION AT YOSEMITE LODGE

The issue of whether to relocate Northside Drive to the south side of Yosemite Lodge is symptomatic of larger problems with planning in Yosemite.

The proposed relocation has assumed a life of its own and moves on inexorably, seemingly exempt from any rational decision-making process.

The idea first appeared, to our knowledge, back when it was being proposed to greatly expand the Yosemite Lodge facilities. At that time maps showed new lodging units and employee housing on and north of the existing alignment of Northside Drive. It was obvious that, if this expansion were to be accommodated, the road would have to be relocated to the south.

The proposed Lodge expansion was dropped from subsequent Yosemite plans, but the relocation of the road still was shown in the new plans. The Valley Plan showed it as being a logical extension of a new road bridge over Yosemite Creek. That new crossing itself had been part of abandoning the existing Northside Drive alignment.

But even though the new bridge crossing subsequently was abandoned, maps still showed the road going around the south side of Yosemite Lodge.

Statements have been made by NPS staff that the road is needed south of the Lodge in order to provide a barrier, discouraging people from gravitating toward the river. It was acknowledged that there is not currently a problem; people are not presently degrading that portion of the river.

(An argument not made on the record, but nevertheless hovering in the background, is that the realignment, if constructed, would facilitate resurrection of the massive expansion plans for Yosemite Lodge.)

The remaining argument made openly is that realignment of Northside Drive is needed to prevent traffic from backing up as a result of pedestrians crossing to get to the Lower Fall.

So it gets down to numbers of people, numbers of vehicles, and the timing of both. It also raises questions as to whether it makes sense to try to engineer or build our way out of congestion problems. Or whether we should be looking at other solutions which do not involve major new impacts. That "look at other solutions" is required by NPS regulations, as well as common sense. But it doesn't seem to be happening.

We raise the issue now because we requested (above) a new Indicator: "Number of Vehicles on Roads vs. Capacity of Roads". Such an Indicator might lead to the conclusion that there were too many vehicles at particular times. If your "management action" conclusion were to be that more new roads should be built in order to speed up traffic, we would contest it vigorously. And we doubt that the general public sees moving traffic quickly through Yosemite Valley as being an important consideration in determining the quality of their visit.

But, in the absence of the Indicator, the opportunity for that discussion will not offer itself.

The proposed relocation of Northside Drive is a solution in search of a problem. Any rational process would have looked at it in the context of the DRMRP. Your failure to address it is a direct consequence of your failure to address the issues of numbers of people and numbers of vehicles and whether those numbers have any relationship to congestion.

To ignore the court direction to address user capacity, and instead to attempt to build your way out with a new high speed highway in the river influence zone, is a gross violation of due process. It is probably also illegal.

#### XIX. RESERVATION SYSTEM

If adoption of a day use vehicle reservation system is considered to be beyond the scope of this process, then why has rejection of it been introduced into the process? You can't have it both ways. Either it is on the table or it is not.

As we pointed out earlier, your documentation is internally inconsistent on this issue. Not silent, just inconsistent.

At the very least, we strongly recommend that you stick with what is in the DRMRP and disclaim your disclaimers. Just say that you do mean what the DRMRP says, an entrance station quota system is a possible management tool for Alternative 2.

We highly recommend that you go beyond that, and make it clear that a day use vehicle reservation system undoubtedly will be needed some day. You should point out that the alternatives would likely be unpleasant. That would include damage to the visitor experience as people would be told when and where to go and what they would be allowed to do.



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We are firmly convinced that most people would welcome the assurance of entry into Yosemite which a reservation would provide. Certainly visitors who come from long distances should be given the opportunity to obtain a reservation if they wish, and that opportunity should be made available now.

Those who don't wish to obtain a reservation would be able to get in anyway. It appears there would be very few days of the year when demand would be so great that "drive-ups" would be turned away. If someone really wants to get in on the 5th of July, they could be assured of entry with a reservation.

#### XX. USER CAPACITY

Avoidance of the subject of a day use vehicle reservation system is symptomatic of a much larger problem. Even though "user capacity" was supposed to have been one of the issues which the courts directed you to address, the DRMRP seems to avoid any significant discussion of it.

There is much about gathering of data (VERP), but very little as to what you will do about it.

You have avoided coming to grips with the issue of user capacity, although the reader has great difficulty discerning that because of the incomprehensible manner in which you have written the DRMRP.

We have already mentioned that incomprehensibility constitutes a violation of the NEPA process.

But avoidance of the user capacity issue is a violation of the Wild and Scenic Rivers Act (WSRA).

#### XXI. EL PORTAL BOUNDARIES

We believe that adoption of the full one-quarter mile boundary would offer the best opportunities for protection of ORV's in the El Portal area.

#### XXII. CONCLUSION

For the reasons described above, we believe that you are legally required to issue a Revised Draft, or possibly a Supplement. This new document would then be required to have a new public comment period.

In the absence of a new document and a new comment period, you clearly would be out of compliance with relevant laws, especially NEPA and WSRA.

In the absence of a new document, even should you make substantial changes in the Final RMRP or in the ROD, the public would not have had an opportunity to comment on something which they might finally understand. A legally compliant process would necessitate a new comment period.

Thank you for seeking public input on the Draft Revised Merced River Plan. We hope you find our comments to be of use.

George Whitmore, Chair  
Sierra Club's Yosemite Committee

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20 March 2005

MAR 23 2005

YOSEMITE NATIONAL PARK

El Portal, CA 95318

Michael J. Tollefson, Superintendent  
Yosemite National Park  
P.O. Box 577  
Yosemite, CA 95389

Re: Comment—Draft Revised Merced River Plan/SEIS

Dear Superintendent Tollefson and Staff:

My comments will focus on roadside parking, particularly in the El Portal area, on roadside edge, along every stretch of Highway 140 and portions of Foresta Road.

A vegetation buffer in the floodplain is already extremely inadequate due to "road presence." However, this is further exacerbated by the lack of natural riparian vegetation as a result of roadside parking and its associated (1) decimation of vegetation and (2) soil compaction (which further exacerbates the inability of vegetation to regrow).

Removing vegetation from riparian areas impairs their ability to provide: (1) flood control, and (2) protect water quality, in several ways. Protection from road runoff (e.g. oil from automobile traffic) and natural flood control is substantially reduced by removing the natural barriers of live vegetation and roots from soil in the riparian zone. Removing riparian vegetation results in an increase in soil compaction and reduction in soil porosity—parking on top of this soil makes it worse. All of these impacts combine to cause a significant decrease in infiltration and a subsequent increase in the speed and amount of flood runoff. Lastly, sedimentation resulting from the removal of vegetative cover from riparian areas reduces flood storage, as eroded sediments settle out of the current and fill channels and deeper spots on the river so they can no longer convey or hold as much water.

I recommend that roadside parking be significantly decreased, from current levels identified in the parking inventory (report by Dale Evans and Associates 2004), along those roadsides adjacent to the Merced River in the El Portal area. Thank you for consideration of my comment.

Sincerely,



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FRIENDS  
OF THE  
RIVER

Superintendent  
Yosemite National Park  
Post Office Box 577  
Yosemite National Park, California 95389  
Attn: MRP Review

March 22, 2005

## Comments of Friends of the River on the NPS Merced River Draft Revised Merced River Management Plan/SEIS

### Introduction

Friends of the River was generally pleased with the final Merced Wild and Scenic River of 2000, one of the largest, and in some aspects, most comprehensive wild and scenic river management plans ever produced. It was responsive to many of our comments, as well as the diverse comments of a great number of interested citizens. The plan established worthwhile programmatic goals,<sup>1</sup> put together a workable and fairly comprehensive water resources project review implementation framework, and reached some site-specific decisions (particularly in concert with the subsequent Yosemite Valley Plan) to implement a river-value protection and enhancement program. It established fairly detailed land use and management zoning — providing more detailed program level direction than many other wild and scenic river management plans.

After extensive litigation on the river plan, the federal appeals court ultimately required the National Park Service (NPS) to review two significant areas in the plan: wild and scenic river corridor boundaries around El Portal and a user capacity program. In our comments to the original plan and our *amicus* brief before the federal district court, we, 1) fundamentally disagreed with the philosophy behind the El Portal wild and scenic river corridor, but conceded

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<sup>1</sup> Protect and enhance natural resources, protect and restore natural hydrological processes, protect and enhance cultural resources, provide diverse recreational and educational experiences, provide appropriate land uses. Merced Wild and Scenic River, Comprehensive Management Plan and Environmental Impact Statement, National Park Service, Department of the Interior, February 2001, p. 25.

the NPS (in our view) had the legal authority of the NPS to adopt those boundaries, and 2) expressed general support for the user capacity approach adopted in the plan.

### El Portal Boundaries

The original river management plan established wild and scenic river corridor boundaries coincident with the 100-year floodplain of the river—essentially at the top of the bank protection works that confine the river near El Portal. The preferred revised river management plan alternative adds some limited additional acreage beyond the river bed and banks to comply with the court of appeals direction “to ensure that boundaries are protective of outstandingly remarkable values.” However, these preferred revised boundaries still involve only a small portions of the lands that are eligible to be included in the El Portal corridor segment.

While we agree with the court that the revised river plan must meet that standard, that standard does not fully reflect all of the purposes for which a river corridor is established.<sup>2</sup> A wild and scenic river corridor is the zone of principal management emphasis for a wild and scenic river manager, as well as the area that provides the most tools and resources for the river manager.<sup>3</sup>

Corridor boundary establishment objectives should support the full range of the objectives of the Wild and Scenic Rivers Act and of wild and scenic river managers, not just being protective of outstandingly remarkable values.<sup>4</sup> For example, corridor boundary establishment objectives should support the objectives of the river management plan, which according to statute should “address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this chapter.”

We fail to see why the NPS does not choose to fully utilize its corridor boundary determination abilities in the El Portal corridor. This area is classified recreational, a classification that permits the NPS maximum flexibility in continuing and refining the land use direction for El Portal. The Merced River Plan’s management zoning system has zones consistent with the range of possible planning directions or status quo for El Portal.

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<sup>2</sup> We discussed boundary selection issues in some depth in the *Amicus Curiae* Brief of Friends of the River, *FOYV v. Norton*, November 6, 2001, pp 40-44.

<sup>3</sup> It should be noted that the Wild & Scenic Rivers Act provides federal river managers with the authority and the duty to manage federal lands outside of the river corridor consistent with river management objectives within the corridor—but this fact again emphasizes the importance of establishing a meaningful corridor.

<sup>4</sup> The *Interagency Wild & Scenic Reference Guide* prepared by the Interagency Wild & Scenic River Coordinating Council provides a rich discussion of the types of management objectives that can or should be the focus of a wild & scenic river manager.

In contrast, management tools and appropriations opportunities that come with wild and scenic river designation are often confined (either by statute or practice) to lands within the corridor—which the preferred plan makes unnecessarily small in the El Portal segment.

The preferred revised river plan corridor also excludes the private land in El Portal from the river corridor. This highlights and compounds a weakness in the original river plan that should have been addressed in this planning effort. We discussed this weakness in our comments on the original river plan. They bear repeating:

**Management Direction for Private Lands ([W&S River Act] §6,10&11)**

The draft CMP reports that:

[u]nder all alternatives the National Park Service continue to assist, advise, and cooperate with Mariposa County or its political subdivisions, private landowners, private organizations, and individuals to protect and manage private lands along the Merced River to protect ORVs where non-federal lands are within the river corridor. (p. II-58)

This is appropriate. The National Park Service is the Federal manager for the river on both Federal and private lands. On private lands, its management role is largely limited to establishing a management vision and cooperatively working with local governments and landowners to protect and enhance river values to achieve that vision.<sup>5</sup>

Although the CMP acknowledges that “[t]he National Park Service must develop management direction in regards to these private properties,”<sup>6</sup> it is unclear where (or if) the CMP establishes or describes a clear vision for private land corridor management; nor does it contain any narrative, criteria, or process specifically identified to guide the Federal river managers, local governments, or private parties in their hopefully common efforts to implement such a vision and goals. This deficiency should be addressed in the final CMP.<sup>7</sup>

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<sup>5</sup> The exception to this general circumstance is with water resources projects. Most water resources projects require Federal permits. Federal river managers must make a Section 7 determination before they or other Federal permitting agencies permit the project.

<sup>6</sup> CMP, p.1-34.

<sup>7</sup> Authority to condemn private lands on the Merced River is not given by the Wild & Scenic Rivers Act (§6(b) 50% rule.). In rivers where condemnation authority is conferred by §6(b), §6(c) prevents Wild and Scenic Rivers Act authority fee title condemnations on lands within incorporated cities, villages or boroughs where:

a duly adopted valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines,

The Wild & Scenic River Guidelines also call for management plans to state:

General principles of land acquisition which may be necessary;<sup>8</sup>

The draft CMP does not provide any discussion of this subject.

As discussed earlier, the draft CMP preferred alternative narrows the river corridor boundaries adjacent to private lands in El Portal — adopting a corridor boundary defined by various models of floodplains. Since the Sections 6, 11, & 14 of the Wild & Scenic Rivers Act may convey special or unique authority to help the Federal managers and private owners to make financial or other arrangements to meet river protection goals — and this authority may be restricted (either by law, policy, or *implementation priority or practice*) to lands within the corridor boundaries, the final CMP should analyze the potential effects of adopting narrow corridor boundaries through private land reaches of the Merced River under the jurisdiction of the NPS river manager.<sup>9</sup> Such an analysis could establish the desirability of a wider official river corridor in these reaches.

The final 2000 river management plan did not respond to our comments. No sense of the NPS corridor manager's vision for private land general plan and zoning approaches that would be consistent with the management vision of the river corridor can be gleaned from the pages of either NPS Merced River management plan. In subsequent discussions with NPS staff, we were told there was no Land Protection Plan for Yosemite that touches this issue (see footnote). Worse yet, the boundaries established or proposed in these plans *excludes* private land from the river

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specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified shall have the object of (A) prohibiting new commercial or industrial uses other than uses which are consistent with purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

In the absence (or even with) general Secretarial guidelines, the CMP p.1-34 commitment should attempt to meet the standards outlined in §6(c). (Note that there are no incorporated cities in Mariposa County. However, it is reasonably foreseeable that someday cleanup amendments to the Wild & Scenic Rivers Act may give local governments such as parishes and counties similar status to cities under this subsection.)

<sup>8</sup> [National Wild & Scenic River System; Final Revised Guidelines for Eligibility, Classification and Management of River Areas, Federal Register, Vol. 47, No.173, Tuesday, September 7, 1982], p.29458.

<sup>9</sup> It is possible that other authorities and potential funding sources available to the NPS for inholdings and lands adjacent to or within the El Portal Administrative Site completely duplicate the authorities and funding sources potentially made available by the Wild & Scenic Rivers Act. Yosemite NP may have a Land Protection Plan (LPP) that addresses management direction and easement policy for private lands. However, the existence of a LPP is not recognized and such analyses do not appear in the CMP.

corridor, limiting the tools provided by the Act to help assist private landowners in meeting corridor management goals.

The revised Merced River Plan is a high-visibility wild & scenic river plan, with significant precedential effect. It should make clear (and show in practice) that corridor boundary criteria involve a full range of wild and scenic river management considerations. It should also successfully address issues expected in wild and scenic river management plans.

Finally, we renew our request that the Merced River Plan put in place a plan or process to restore river banks to more natural conditions and subject to natural river processes. The El Portal segment has been heavily impacted by bank protection projects, which we believe may not be necessary or sustainable in the long term. Regardless, some of the aesthetic impacts of these projects are mitigable and plans for their mitigation should be addressed in the river plan.<sup>10</sup>

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<sup>10</sup> Reasonably foreseeable natural events (damaging floods and rockfalls) will occur in the future. In these circumstances, pre-event planning to grapple with significant elements of specific reconstruction (or non-reconstruction) decisions could ensure better and expeditious outcomes more consistent with the goals and requirements of the Act than outcomes that may occur following unplanned emergency circumstances. Such pre-disaster planning can be incorporated into the CMP as addendums or revisions to the plan from time to time as the response-planning effort matures. . . . Such pre-flood damage reconstruction planning need not be limited to just planning for aesthetically and biologically sensitive reconstruction. There may be circumstances where man-made works obstruct flood flows by blocking overflows on a side of the channel without a requirement for permanent infrastructure — causing more flood damage on the other side of the river containing necessary infrastructure. In these circumstances, restoring a more natural flood occurrence, erosion & deposition regime to one side of the channel, may reduce the need or magnitude of channel protection works on the other side of the channel.

The CMP should commit the NPS and the Department of the Interior (and the other Federal Merced River managers) to identify and rehabilitate recently constructed water resources projects that do not meet (or could more fully meet) a present day Section 7 determination. . . . A number of examples are possible; native rock could be placed to cover or replace non-native rock placed during emergency work, conspicuous grout could be removed, etc.

The CMP should commit the NPS and the Department of the Interior (and other Federal Merced River managers) to undertake a comprehensive review of historic water projects (including bank protection and bridge projects) to determine what kinds of rehabilitation opportunities are feasible and desirable to undertake (consistent with the direction of the national park and national wild & scenic river system organic acts).

The CMP should commit the NPS and the Department of the Interior to ask the Interagency Wild and Scenic Rivers Coordinating Council to conduct a review of the lessons learned from the New Years Day flood and Section 7 response to subsequent reconstruction projects. The Council should then develop (perhaps guided by some of the commitments developed in the final Merced River CMP) guidance and recommendations for river managers throughout the region and country on planning and response to these types of events.

(Comments of Friends of the River and American Rivers on the NPS Merced River Draft Comprehensive Management Plan, March 21, 2000, pp. 7-8)



## User Capacity

The preferred revised river plan alternative does not vary greatly from the "user capacity" approach adopted in the original river plan. We shared the NPS's belief that the original plan adopted a worthwhile and workable approach to this issue—particularly in the already controlled environment of a National Park. That belief has not changed.

We note that the NPS Revised River Plan/SEIS also displays alternatives that focus on user quotas—rather than resource impacts associated with visitor use—to establish and regulate visitor use. In general, we believe that visitors to National Parks (and wild & scenic rivers) are more accepting of management approaches that are focused on avoiding adverse resource impacts. In particular, the notion of user quotas for each management zone, as well as for the river corridor as a whole, seems unworkable—at least outside of the already established wilderness user quotas, campground restrictions, and limiting automobile entry to Yosemite Valley when parking spaces are filled in the Valley.

Additionally, we note that many resource management textbooks have been written on facility design and visitor rules that can effectively manage the adverse impacts of visitor use and discourage excessive visitor use without requiring a staff-intensive effort to monitor and police visitor quotas. In many National Park circumstances, this approach can be as effective as the more staff-intensive visitor quota approaches. Outside of National Parks, most corridor managers lack either the staff resources or the practical ability to control entrance characteristic of many National Parks. Thus for most wild and scenic river management situations, the design approach will often prove best.

Finally, it also seems clear that a comprehensive visitor limitation or resource protection plan for Yosemite Valley is really misplaced in the Merced River plan. A river plan, by its very nature, is focused on the adopted river corridor—which is smaller (by statute) than the lands with visitor facilities and many natural resources of concern in Yosemite Valley. In addition, corridor and management zone boundaries are primarily a wild and scenic river management tool and are not as "natural," manageable, or intuitively recognized as the vertical granite cliffs that confine Yosemite Valley. The principal planning efforts for addressing National Park visitor issues better fit plans also prepared under the authority of the organic act of the National Park Service such as the Yosemite Valley plan. As discussed in pages 54 through 57 of Friends of the River's *amicus curiae* brief before the district court, the Wild & Scenic Rivers Act authorizes river managers (particularly National Park managers) to achieve river planning objectives in coordinated plans prepared under other statutory authorities.

We would be happy to meet with you and your planning staff as you consider these and other comments submitted for your consideration.

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pg 8 of 8

Sincerely yours,

Ronald M. Stork

Senior Policy Advocate  
Friends of the River  
915 20<sup>th</sup> Street  
Sacramento, CA 95814  
(916) 442-3155 x 220  
rstork@friendsoftheriver.org

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03/22/2005 11:04 PM  
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To: yose\_planning@nps.gov  
cc:  
Subject: DRMRP Comment

12MR-D-117

RECEIVED  
MAR 23 2005  
YOSEMITE NATIONAL PARK

TO: yose\_planning@nps.gov /Fax: 209 379 1294

FROM:

Merced, CA 95340

DATE: March 22, 2005

SUBJECT: Draft Revised Merced River Plan (DRMRP)

COMMENT:

1. The DRMRP does not fulfill the court's directive to clearly address User Capacity and thus meet the requirements of the Wild and Scenic River Act.
- 2- The DRMRP for Yosemite National Park is so difficult to comprehend that an official addendum or revision needs to be prepared, with provision for another comment period on the addendum in order for the public to make comments based on clear statements.
- 3- The table titled "Comparison of Alternatives and Key Assumptions" on pages II 78 and II 79 is a confusing example: The Alternatives seemingly cannot be compared.
- 4- It seems that this DRMRP is designed to permit further implementation of the Yosemite Valley Plan (YVP) projects rather than using a yet-to-be-Final MRP as the basis for revision of the YVP and re-evaluation of YVP projects. The proposed routing of Northside Drive further into the floodplain, much closer to the river on the south side of Yosemite Lodge is one example.
- 5- The toxicity of asphalt, especially fresh asphalt pavement, and the impacts of poly aromatic hydrocarbons (PAHs) and other petroleum ingredients on adjacent aquatic ecosystems may have been little studied, but considerable is known within the National Park Service (NPS). The placement of asphalt concrete anywhere in the Merced River flood plain needs to be questioned; especially close to the river. The effects of these toxins have not been evaluated in the DRMRP. PAHs have been found to pollute alpine lakes: How much more likely are they and other petroleum chemical species to impact the Merced River biota when used in Yosemite Valley within the 1/4 mile river corridor.
- 6- One of the ORVs of the Yosemite Lodge area is view toward the river and beyond with only the current narrow paved pathway some distance from the river.

This adds to my verbal comments made in the Merced Public Hearing.

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RMR-D-118

CALIFORNIA BUS ASSOCIATION  
11020 Commercial Parkway  
Castroville, CA 95012

RECEIVED  
MAR 23 2005  
YOSEMITE NATIONAL PARK

March 22, 2005

Michael J. Tollefson, Superintendent  
Yosemite National Park  
Yosemite, CA  
Via e-mail: [yos\\_planning@nps.gov](mailto:yos_planning@nps.gov)

Re: Draft Revised Merced River Plan/SEIS

Dear Superintendent Tollefson,

Thank you for the opportunity to comment on the Revised Comprehensive Management Plan/SEIS for the Merced Wild and Scenic River.

The California Bus Association is the state association representing the tour and charter motorcoach industry in California. We have reviewed the plan, and would like to go on record in support of "Alternative 2."

We concur with the finding that the visitor experience would be improved through "educational measures related to traffic congestion . . . aimed at encouraging mass transit or other means of reducing traffic congestion, which, based on recent visitor surveys, is one of the most negative factors affecting visitor experience." The CBA believes strongly that the tour bus industry can play a vital role in providing visitor access to Yosemite while reducing both the aforementioned automobile congestion and improving air quality.

We appreciate the fact that "Alternative 2" provides parking for tour buses, and a quota on buses that is reasonable for the near term. At the same time, we question one assumption that framed the analysis (listed in IV-15 Methodologies): namely, that "the visitor preference for use of private vehicles to access the park would not change." We believe that with an aging population, increased traffic congestion, and expensive fuel, there is a high probability that in the future a greater percentage of visitors will chose the safest, convenient, and most fuel efficient means of accessing Yosemite—the motorcoach.

We therefore suggest that in formulating management actions to be taken under VERP, some flexibility be provided to allow for the reduction of private automobile traffic and a commensurate increase in bus parking and/or bus quotas should visitor preferences change.

Thank you for your consideration. Please feel free to contact our organization with any questions relating to the tour and charter bus industry. We look forward to working with you to preserve the Park and improve the visitor experience.

Very truly yours,

Curtis A Riggs, Director  
California Bus Association

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RECEIVED

**VIA EMAIL**

- hard copy to follow

MAR 23 2005

YOSEMITE NATIONAL PARK

March 21, 2005

Superintendent, Yosemite National Park  
Draft Revised Merced River Plan/SEIS  
PO Box 577  
Yosemite, CA 95389  
Email: yose\_planning@nps.gov

**Re: Access Fund Comments to *Draft Merced Wild and Scenic River Revised Comprehensive Management Plan/SEIS***

Yosemite Planning Team:

The Access Fund welcomes the opportunity to submit these comments to the National Park Service's (NPS) *Draft Merced Wild and Scenic River Revised Comprehensive Management Plan/Supplemental Environmental Impact Statement* ("Draft Merced Plan"). We have reviewed the *Draft Merced Plan* and provide herewith comments that we hope can better inform the parties and assist with making your chosen management direction more effective.

**The Access Fund**

The Access Fund is a 501 (c) 3 non-profit advocacy group representing the interests of climbers throughout the United States. It is America's largest national climbing organization with over 15,000 members and affiliates from across the country. We advocate on behalf of approximately one million climbers in the United States. California is our largest member state.

The Access Fund's mission is to keep climbing areas open and to conserve the climbing environment. Preserving the opportunity to climb and the diversity of the climbing experience are fundamental to our mission. Working in cooperation with climbers, other recreational users, public land managers and private land owners, the Access Fund promotes the responsible use and sound management of climbing resources. We encourage an ethic of personal responsibility, self-regulation, strong conservation values and minimum impact practices among climbers.

For the reasons noted below, the Access Fund supports the selection of Alternative 2 in the *Draft Merced Plan*.

## COMMENTS

### **Purpose**

The NPS was directed by the Ninth Circuit Court of Appeals to

prepare a "new or revised" comprehensive management plan that addressed what it saw as two deficiencies: (1) The user capacity program outlined in the 2000 plan (the Visitor Experience and Resource Protection [VERP] framework) was not fully developed and only presented sample standards and indicators. The user capacity program in this revised plan must contain "specific measurable limits on use;" (2) the river corridor boundary in El Portal must be drawn to account for the protection and enhancement of the Outstanding Remarkable Values in this segment.

The following comments focus on the user capacity concern of the Ninth Circuit Court of Appeals. The Access Fund has read and determined the concerns that may likely impact the climbing community in the Merced River Valley.

### **VERP (Visitor Experience and Resource Protection)**

The VERP program is a framework to address visitor management and user capacity issues. The *Draft Merced Plan* discusses four alternatives that could be used during the time between today and the implementation of VERP. The following discussions about the alternatives concern the perspectives and impacts that the alternatives will have on the climbing community.

### **Alternative 1 – No Action**

Alternative 1 acts as a baseline effective October 2003. This alternative supposes that there is no implementation of VERP and that all the quotas and plans in the Merced River Valley remain the same as before the adoption of the new plan. The Access Fund understands the need for change from Alternative 1 and agrees that measures must be taken that will preserve the Merced River Valley for future generations. The Access Fund also understands that the means to preserve the area is to adopt a new alternative that will address the concerns that the Ninth Circuit Court of Appeals raised in its opinion.

### **Alternative 2 (preferred) – VERP Program with Interim Limits**

Alternative 2 provides a preliminary implementation plan for VERP. The plan maintains the *status quo* and the present course of conduct in the Merced River Valley, but provides for methods to address problems between now and the full transition to VERP.

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pg 3 of 4

Alternative 2 is not an immediate and extreme change; yet, it should satisfy the desires of the Ninth Circuit. Climbers are willing to make *necessary* sacrifices to protect the environment and the ORVs, but the Access Fund does not support a complete new policy between now and the implementation of VERP. The alternative will provide for the Merced River Valley to be administered in the same manner as it has traditionally been managed *unless* a problem arises. The Access Fund believes that the present condition of the valley should remain unless there is a need to change it; therefore, this alternative is the most desirable.

Also, Alternative 2 proposes the addition of 123 campgrounds in Yosemite Valley and allowing 1500 more overnight visitors. Climbers traditionally camp in the Yosemite Valley. Camp 4 (a.k.a. Sunnyside) is a legendary campground and part of the rich Yosemite climbing heritage. Alternative 2 addresses camping, an important issue for climbers which further convinces us that this is the best option.

Alternative 2 also has its negative aspects. It raises park fees at the gate without explaining the policies that govern the details of this raise hike. Will the fees be raised depending on season or by segment? Will fee increases be linked to types or times of use? Alternative 2 also suggests the use of required permits around selected river areas. There is a danger is that these permits might inhibit the flexibility of climbers to travel and climb in these areas. The plan should better detail exactly how these permits might work. The NPS has an interest in keeping the policies and requirements of issuing permits transparent because it will maintain the transparency goal of VERP.

### **Alternative 3 – Segment Quotas with VERP**

Alternative 3 proposes quotas for four different segments in the Merced River Valley. These segments are: Wilderness, Yosemite Valley, El Portal, and Wawona. This proposal is a much different change in the *status quo* as compared to Alternative 2. The Access Fund does not believe such drastic changes are necessary at this point. The sharp changes include a strict corridor quota of 5 million people a year and individual segment quotas. Furthermore, within the wilderness segment, an 800 person quota for Half Dome is proposed. There is no need to limit climbing use in wilderness areas as climbers use distinctly different areas of this segment as compared to the typical hiker/sightseer. Although there are concerns with Alternative 3 the Access Fund agrees with certain portions as well. Also, it does not suggest the raising of fees or the requirement of permits.

### **Alternative 4 – Management Zone Quotas with VERP**

Alternative 4 provides a monitoring system focused on the number of people per acre in a management zone. It too provides for a maximum corridor quota of 5.3 million people per year. This alternative provides for more variables within each segment. It splits segments into sub-areas; some with high capacities and some with lower capacities. This alternative splits the park management into management zones. The administration of

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these separate zones is similar to Alternative 3. The negatives of Alternative 4 mirror Alternative 3.

### **Conclusion**

The Access Fund supports Alternative 2 as the most beneficial management direction for climbers, park employees, and preservation of the beauty of the Merced River corridor. The Access Fund requests answers to the questions raised in the comments of Alternative 2.

Thank you for the opportunity to comment on the *Draft Merced Plan* and for your consideration of the interests of the climbing community.

Regards,

Alison and Zack Chandler  
Access Fund Northern California Regional Coordinators



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pg 123



im

To: <yose\_planning@nps.gov>

cc:

Subject: Attn: Draft MRP Comments

03/22/2005 11:42 PM  
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Comments for the Draft Revised Merced River Plan - Submitted by Andrea Canapary

I really appreciate the opportunity to be able to comment on this document that is so important to the future of this place where I live and that I love. My first comment related to the Draft Revised MRP, however, is that it is an overwhelming document to digest in the amount of time that was given for response from the public. I only wish that the comments that follow could be more specific and coherently stated, but as the clock ticks away and I have but a few hours left to submit this, I will have to simply do the best I can in the time provided. In the future, however, if the NPS truly wants people to be able to comment fully on their documents, there needs to be more time allowed from the publishing of the document to the end of the comment period.

I appreciated the public meetings and the willingness of the NPS staff to share information at those meetings. People were kind and helpful during this process. I felt, however, that the NPS did not wish that the public learn as much about the issues as possible and from all angles. The timed public testimonies were helpful for me to gain more understanding of all of the issues involved in the DRMRP, as was the open house time to look at the displays and ask questions and the Power Point presentation by Niki Nicholas. I was disappointed, however, when the NPS was so adamantly against the public's request to have a full group question and answer period after the public comments. Mark Harvey made it more than clear to us all as he kept motioning to the moderator to cut the questions by striking his finger across his neck, that this was not to be allowed. If the park wants the public to be educated on the issues, then why restrict questions and answers at a time when all of the NPS experts on the plan are right there to comment directly?

Instead we were told that we could travel in groups to ask questions of individual experts on the different topics. This was helpful, but did not nearly achieve the goal of deeper understanding of the different issues that a full group discussion with all of the experts could have achieved. The issues are all interrelated and to not let the public address them as such seemed contrived to lessen our full understanding. I found myself trying to hear several different discussions at the same time and I couldn't hear any of the answers very well because there were many people talking in the room about different issues at the same time. Niki Nicholas' power point presentation was basic and informative, but would have been much more so with an opening for questions in between and a question and answer period afterwards. While I feel that my understanding of the plan would have benefitted from a group Question and Answer period with all of the MRP staff as well as all of those attending the meeting, it was clear that the NPS did not want this group discussion to occur. Why is this? Is there a fear of the public learning from each other? Or understanding the plan too well? I hope that this comment will be considered in the presentation of future park plans.

I am a reasonably well educated person with a Bachelor's degree from a well respected institution, I attended the two town planning meetings addressing the MRP as well as the NPS Open House and Public Testimony, and I have read as much as I had time to read of the actual document of the Draft Revised MRP - yet I still am confused about many aspects of the plan. Is this just my personal inability to understand, or is the plan inherently confusing? If I am the only comment on this point then perhaps it is the former, but from talking with others, I tend to think it is the latter. Many people, unfortunately, will probably simply not comment on the plan because it is so hard to digest and understand. It is still unclear to me how this document, in any of the presented alternatives, will "protect and enhance the river's ORVs." I also fail to see how this new document has addressed the two deficiencies found by the US Court of Appeals for the Ninth Circuit - 1) a failure to adequately address user capacities and 2) the improper drawing of the Merced River's boundaries at El Portal.

For the user capacities, I unfortunately find the VERP program confusing and cumbersome. I appreciate that it is attempting to quantify the user capacity in measurable terms, but I just don't see it being realistically carried out. In a time where the NPS doesn't have the money to support it's own trail maintenance and interpretive staff, how will such a complex and labor intensive program be realistically monitored and maintained? And if we had more money, should it be going to the staffing for such a program, or would the river actually get more protection if it went to interpretation (educating the public) and trail maintenance (to keep people to designated trails)? It seems that VERP will take a lot of staff resources to continually collect the information required, analyze it and then constantly come up with varying management actions to address the standards as they become violated. I simply see that our little monies could be better spent elsewhere and, therefore, we need a plan that is more simple and basic to carry out.

I wish that I could present you with alternate ideas of how to manage user capacities, but in this time frame I have not gotten that far. I do fear, however that VERP will prove to be too complicated a system to carry out and I have a difficult time taking on faith that it will be all worked out in a protective way in the next 5 years. Since VERP is not yet settled into its final form, it is hard to approve of a plan that holds it as such a central point. I find this confusing and hard to approve as a member of the public.

In looking at the alternatives presented in the Draft MRP for the El Portal segment, I see none of the alternatives in and of themselves as a protective alternative for the Merced River as it travels through El Portal. The river corridor should certainly remain 1/4 mile wide as it is on all other parts of the Wild and Scenic river from what I understand - through YNP and on the West side of El Portal through the National Forest. The only alternative that presents this corridor is alternative 3, so in this aspect, I support that plan. The zoning of this alternative, however, seems to have no correlation to the ORVs and not to be very protective of the river corridor. In terms of zoning, alternative 4 is my preference because it follows the ORVs and has much more protective zoning overall. In terms of user capacity, I have not reached a clear enough understanding of what the difference is in the alternatives to decipher which one is preferable to me. This, however, is part of the problem that I see with the user capacity definitions in general, they are difficult for the average person to understand and, therefore, it needs to be clarified how it will, in fact, work and be

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Pg 3 of 3

carried out.

It was brought to my attention this week that the area surrounding the El Portal Elementary School was to be treated with herbicides such as Roundup. Fortunately, concerned parents and an adaptable principal are working to exchange the application for a group of parents willing to spend a day manually weeding the area. This incident, however, brought to my attention an important aspect of river protection. This may be in one of the MRP documents somewhere that I've missed, but if it isn't, I think that it should be addressed. If we are talking about protecting the river and then we allow the spraying of herbicides within the river corridor, I would think that residue could easily be brought down into the river (especially near the warehouse - I don't know if they spray there as well). If the health of the river is to be maintained, this practice should be looked into and I would advocate that the MRP mandate El Portal as a Spray Free Zone. I've heard of whole counties that are practicing this, it seems that if a whole county can do it, then doing this in the small town of El Portal could not be too difficult. I don't know if this issue can be addressed in the plan at this point, but I felt it should be pointed out anyway. It seems that pesticide residue in the river might have a wider effect on the health of the river than the amount of people on it's banks.

There is a level of distrust that seems to have developed between the NPS planners and some residents of El Portal. This has arisen, unfortunately, due to certain projects being pushed through before plans such as the MRP are finalized. I am not against all changes in El Portal and in YNP, but I would like to feel that I can trust the NPS to be following the laws set out with the best interests of YNP in mind. There is a feeling that some plans are pushed through so that they can be accomplished before the law catches up with the project (such as the road widening and the lower falls project). I hope that no other plans that should be under the jurisdiction of this plan are implemented until the MRP is finalized. I also hope that this DRMRP has been constructed with the sole interest of "protecting and enhancing the river" and not been drafted in order to be consistent with the other park plans that actually should have been made after this plan was completed.

Although I have a lot of comments about things that I would like to see changed about the comment process, and the plan itself, I want the planners involved in the MRP to know that I have appreciated all of the information that they have collected and communicated to me in various ways. The amount of research that has gone into the plan is phenomenal and I appreciate, especially, the new cultural ORVs that have been brought to the forefront in El Portal. This is a special place for many reasons and deserves protection for that. The area has an incredible history and continues to be an incredibly unique place in our fast changing world. We have an obligation to protect and enhance it's community of resources, wildlife and people for generations to come.

Thank you for your time and all of your efforts. I hope that these comments prove helpful in the planning process. Thank you for your consideration of my ideas.....

Sincerely,

El Portal, CA 95318

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 pg 182  
**RECEIVED**  
 MAR 23 2005  
 YOSEMITE



03/22/2005 04:58 PM  
 PST

To: yose\_planning@nps.gov  
 cc:  
 Subject: Draft Revised Merced River Plan

Attn: D. R. MRP  
 yose\_planning@nps.gov OR  
 Fax: 209 379 1294

Re: Draft Revised Merced River Plan  
 Relationship to Yosemite National Park Plans

Dear Yosemite Planning:

I am writing to comment on the Draft Revised Merced River Plan. (Please note that I requested a CD but did not receive one).

Overall, I am overwhelmed by the scope of this document. I appreciate your effort to visually map out the planning and decision process with a diagram, but I feel that more needs to be done to explain, in plain language (rather than abstract planning/legal terms), the significance and impacts of this plan. I am making this point in response to the following results of your "scoping effort" ( in plain language, meaning public outreach and public comments?):

"(T)he park received written comments from 113 individuals, 17 organizations, 1 business, and 1 letter from all Yosemite-area associated tribes."

If I am understanding this correctly, despite your press releases and public meetings, you only received 113 written comments from individuals. If this is correct, this should not be acceptable. It means that many visitors and those concerned with the integrity of one of the most amazing places in this world have no understanding of what is going on. The Sierra Club alone has thousands of members. I realize that many organizations that represent these individuals provided comments, but I still feel that each constituency needs to better understand what these decisions and future actions will mean for the integrity of the national park.

The summary of comments raised in the "scoping process" were very broad and fell into six categories and convey little about the public's concerns.

I would like to see a Merced River Plan (and all Yosemite planning documents) that focuses on preserving/restoring ecological values to the park and promotes/inspires minimal impact use of the Park. To me, this means that demolition/construction projects -- especially ones that REQUIRE the CLEAR CUTTING OF TREES - be avoided at all times. This project type serves to benefit only the commercial aspects of the park - with no benefit to the environment whatsoever. In fact, these types of projects offer most users no added connection to the natural environment and gives our national treasure a plastic feel.

I was horrified to see the trees cut next to the Yosemite Lodge and at the front of the Upper Pines campground last spring. These projects seem senseless to me, especially when other projects can be implemented that enhance the environment, rather than destroy it. For example, in the flood plain, restoration of the permanently lost campgrounds there

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pg 2 of 2

has progressed at a snail's pace. The area has looked like a waste land. Why has the park service not focused on restoring this area to its most natural condition, especially given that this is a great opportunity to have a development-free area that shows off beautiful riparian and meadow habitats that attract a diversity of birds and other wildlife? Numerous school groups and other volunteer organizations would likely jump at the chance to work on the area, if given the proper resources and prioritization by the Park Service, assuming these are the barriers.

Finally, Yosemite Valley is a watershed. The Merced River is the core of that watershed and is affected by the numerous projects and impacts from EVERY tributary (including Yosemite Falls/Yosemite Creek) in the watershed. Nationwide, it well known that watersheds need to be looked at holistically and not in pieces, which is how Yosemite has reviewed each project. This is wrong and goes against established watershed science, preservation and restoration principles, and scientifically-established best practices.

Sincerely,

i

San Francisco, CA